

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Marlon Joe Lewis,

Civil 07-2985 MJD/FLN

Plaintiff,

v.

O R D E R

United States of America,

Defendant.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated October 15, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that Defendant's motion to dismiss [#19] is  
GRANTED.

DATED: November 5, 2008.  
at Minneapolis, Minnesota

s/Michael J. Davis  
CHIEF JUDGE MICHAEL J. DAVIS  
United States District Court